

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

WILLIAM R. REVOAL,

Plaintiff,

vs.

CIVIL ACTION
No. 09-3152-SAC

SEDGWICK COUNTY DETENTION CENTER,
et al.,

Defendants.

ORDER

This matter is before the court on a civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff proceeds pro se and seeks leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. As amended on April 26, 1996, § 1915(a)(1) requires a prisoner seeking to bring a civil action without prepayment of fees to submit an affidavit that includes a statement of all assets, a statement of the nature of the complaint, and the affiant's belief that he is entitled to redress. The court finds the motion for leave to proceed in forma pauperis filed by plaintiff satisfies these requirements.

As amended, § 1915(a)(2) requires an inmate also to submit a certified copy of the inmate's institutional account for the six months immediately preceding the filing of the action from an appropriate official from each prison in which the inmate is or was incarcerated. Plaintiff has not yet submitted this information, and the court will direct him to supplement the

record.

Plaintiff also moves for the appointment of counsel. A party in a civil action has no constitutional right to the assistance of counsel in the prosecution or defense of such an action. *Bethea v. Crouse*, 417 F.2d 504, 505 (10th Cir. 1969). In deciding whether to appoint counsel in a civil action, the court should consider "the litigant's claims, the nature of the factual issues raised in the claims, the litigant's ability to present his claims, and the complexity of the legal issues raised by the claims." *Long v. Shillinger*, 927 F.2d 525, 526-27 (10th Cir. 1991). Having considered the record, the court declines to appoint counsel at this time. Plaintiff must present additional information to the court to allow the court to assess his claims, and it appears he is able to do so.

Finally, an essential element in an action under § 1983 is the personal participation of an individual named as a defendant culminating in the violation of the plaintiff's Constitutional rights. *Jenkins v. Wood*, 81 F.3d 988, 994 (10th Cir. 1996). Plaintiff has named only the State of Kansas and the Sedgwick County Detention Facility as defendants. Because neither governmental entity is a "person" for purposes of § 1983, plaintiff must supplement the complaint by naming individual defendants and explaining the actions of each defendant that caused a violation of his protected rights.

IT IS, THEREFORE, BY THE COURT ORDERED that plaintiff shall supply the court on or before August 15, 2009, with a certified copy of his institutional financial records for the six months preceding July 2009 from all facilities in which he was housed during that period.

IT IS FURTHER ORDERED plaintiff's motion for the appointment of counsel (Doc. 4) is denied without prejudice.

IT IS FURTHER ORDERED plaintiff is granted to and including August 15, 2009, to amend the complaint to identify individual defendants and to clarify the specific acts or omissions that support his claims of Constitutional violations. The failure to file a timely response may result in the dismissal of this action without additional prior notice to plaintiff.

IT IS SO ORDERED.

DATED: This 21st day of July, 2009, at Topeka, Kansas.

S/ Sam A. Crow
SAM A. CROW
U.S. Senior District Judge